IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE R.SUBHASH REDDY

WRIT PETITION NO. 8910 OF 1999

Dated: 5th July, 2006

Between:

A.Satyanarayana

Petitioner

AND

The Correspondent,
Preston Institute Aided High School,
Jangoan, Warangal District and two others

Respondents

ORAL ORDER:

The petitioner who was working as Record Assistant and promoted to the post of Junior Assistant vide proceedings dated 04.02.1998 issued by the Correspondent of the Institution – first respondent herein, filed this writ petition, complaining that though promotion

orders were issued, he is not permitted to join duty in the promoted post.

Though no counter is filed by the first respondent – Institution, however, in the counter affidavit filed on behalf of respondents 2 and 3, it is stated that the petitioner was promoted to the post of Junior Assistant, which was earlier held by one Mr. D. Nathanial and as there was some dispute with regard to the promotions in the feeder categories, to the higher post, D. Nathanial, who was working in the post of Record Assistant, has not vacated his post by opting to join in the promoted post. In that view of the matter, it cannot be said that there is no reason for not allowing the petitioner to join in the promotion post.

In view of the counter affidavit filed by the respondents 2 and 3, it is manifest that the petitioner was not promoted in a clear vacancy. In that view of the matter the writ petition is disposed of directing the respondents to give effect to the proceedings dated 4.2.1998 as and when the post of Junior Assistant falls vacant.

Subject to the above direction, the writ petition stands disposed of. No order as to costs

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R.Subhash Reddy, J.

July 5, 2006

MAS.